CF0000110934

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Division Bench (Civil)

MISCELLANEOUS PETITION NO. 3823 OF 1992

(SERVICE MATTER)

PETITIONERS:- 1. Abdul Rahim, aged about 40 years, son of Abdul Majid, resident of Madhopara, Raipur

2. Arun Dube son of late Hanuman Prasad Dube, aged about 35 years, resident of Banke Bihari Mandir, Lakha Road, Sadar Bazar, Raipur

Versus

RESPONDENTS:-1. The State of Madhya Pradesh, through the Secretary, Department Local Self- Government, Vallabh Bhavan, Bhopal.

2. Municipal Corporatiom Raipur, through its Administrator.

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI/MANDAMUS, WRIT OR WRIT , DIRECTION OR DIRECTIONS IN THE LIKE NATURE.

HIGH COURT OF CHHATTISGARH AT BILASPUR (47)

W.P. No. 3823 of 1992

Petitioners — Abdul Rahim & another

Versus

Respondents — The State of Madhya Pradesh (now Chhattisgarh) & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None for the petitioners.

Shri Sushil Dubey, Govt. Advocate for the respondent No.1.

Shri Kashif Shakeel, Advocate for the respondent No.2.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working in the Municipal Corporation, Raipur were was transferred to Katni and Bhopal, respectively, vide impugned transfer order dated 20.10.1992 (Annexure P/1).
2. This Court vide interim order dated 17.11.1992 granted stay of the operation of the impugned transfer order.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. The respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
SATISH K. AGNIHOTRI
Judge

Thakur